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December 13, 2024

**VIA ECF**

Magistrate Judge Joseph A. Marutollo  
United States District Court  
for the Eastern District of New York  
225 Cadman Plaza East  
Courtroom N324  
Brooklyn, NY 11201

**RE: IN RE PAYMENT CARD INTERCHANGE FEE AND MERCHANT DISCOUNT  
ANTITRUST LITIGATION  
Case No. 05-MD-1720 (MKB) (JAM)  
Betz & Baril response concerning YouTube video referred to in joint status report  
(Dkt. No. 9492)**

Dear Judge Marutollo:

I represent Betz & Baril, and this letter addresses the YouTube video referred to in the joint status report dated December 6, 2024 (Dkt. No. 9492), and responds to the Court's directive to address "what occurred with this YouTube video and what steps (if any) were taken to address the improprieties."

First, on November 12, 2024, the undersigned counsel to Betz & Baril sent the attached email to Class Counsel. The attached email also includes back-and-forth email correspondence between Class Counsel and the undersigned counsel to Betz & Baril during the first half of November 2024.

Second, on November 21, 2024, Betz & Baril sent the email below to Betz & Baril's affiliated lead generators and referral partners:

Dear All,

I hope this message finds you well. I am writing to remind you of our important update regarding the Visa/Mastercard class action lawsuit.

**We are unable to accept any additional claimants.** Class Counsel has provided explicit and unwavering instructions to cease submitting any new claimants or TINs. This includes individuals wishing to run their Social Security numbers due to low interchange fee rates, as these cases will also be classified as a "new TIN" and/or "new claim." **Note: This does not affect any previously submitted claimants/TINs.**

**Most Importantly...**

It is crucial that **all marketing materials** leading to a Betz & Baril contract be taken down and deactivated **immediately**. This includes **electronic flyers, physical flyers, websites, videos, podcasts, advertisements, social media pages and posts, and any other forms of solicitation**. Please ensure that these materials are removed promptly, and that this information is communicated verbally as well.

Thank you for your immediate attention to this matter and for your cooperation. We deeply appreciate all your hard work.

Third, Betz & Baril intends to send a similar follow up email within the next two weeks to its affiliated lead generators and referral partners.

Fourth, Betz & Baril and its undersigned counsel are available to collaborate with Class Counsel to include additional language or take other measures to eliminate any future improprieties.

Respectfully submitted,

/s/James J. DeCristofaro  
James J. DeCristofaro



James DeCristofaro &lt;james@dclfirm.com&gt;

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**RE: In re Payment card**

1 message

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**Xan Bernay** <XanB@rgrdlaw.com>  
To: James DeCristofaro <james@dclfirm.com>

Tue, Nov 12, 2024 at 5:42 PM

Thanks, James

I think this should suffice, but we will be continuing to monitor (all companies) and suggest perhaps another reminder go out to affiliates and sub-affiliates.

Best

Xan

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**From:** James DeCristofaro <james@dclfirm.com>  
**Sent:** Tuesday, November 12, 2024 2:40 PM  
**To:** Xan Bernay <XanB@rgrdlaw.com>  
**Subject:** Re: In re Payment card

EXTERNAL SENDER

Hi Xan.

Beginning in August, according to Jason Baril, Betz and Baril verbally told all referral/lead generation companies that Betz and Baril would not be taking any more claims. And they would have 10-14 days to get all outstanding claims in. Also, Betz and Baril asked them to please make sure all advertising materials were taken down. These communications were done via telephone with Jason Baril and the referral partners. On October 7th, 2024, we sent out written communication telling referral partners the following:

*"Dear All,*

*I hope this message finds you well. I am writing to inform you of an important update regarding the Visa/Mastercard class action lawsuit.*

***Effective immediately, we are unable to accept any additional claimants.*** Class Counsel has provided explicit and unwavering instructions to cease submitting any new claimants or TINs. This includes individuals wishing to run their Social Security numbers due to low interchange fee rates, as these cases will also be classified as a "new TIN" and/or "new claim."

*Additionally, it is crucial that **all marketing materials** leading to a Betz & Baril contract be taken down and deactivated immediately. This includes **electronic flyers, physical flyers, websites, videos, podcasts, advertisements, social media pages and posts, and any other forms of solicitation.** Please ensure that these materials are removed promptly, and that this information is communicated verbally as well.*

*Thank you for your immediate attention to this matter and for your cooperation. We deeply appreciate all your hard work."*

Apparently, after talking to the referral partner, this was a sub-affiliate of theirs who neglected to take the information down after being requested that they so.

Thank you and kindly let me know if this is sufficient or if you need additional information.

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On Tue, Nov 12, 2024 at 5:12 PM Xan Bernay <[XanB@rgrdlaw.com](mailto:XanB@rgrdlaw.com)> wrote:

Can I expect to hear from you today?

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**From:** Xan Bernay  
**Sent:** Monday, November 11, 2024 8:51 AM  
**To:** 'James DeCristofaro' <[james@dclfirm.com](mailto:james@dclfirm.com)>  
**Subject:** RE: In re Payment card

Thanks

Tomorrow is OK

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**From:** James DeCristofaro <[james@dclfirm.com](mailto:james@dclfirm.com)>  
**Sent:** Monday, November 11, 2024 8:49 AM  
**To:** Xan Bernay <[XanB@rgrdlaw.com](mailto:XanB@rgrdlaw.com)>  
**Subject:** Re: In re Payment card

EXTERNAL SENDER

Hi Xan. My apologies for the delayed response. If I could please ask for one more day to respond given it's Veterans Day and a federal holiday and I have some commitments in light of that. Again my apologies for the delay in responding

particularly in light of your request for confirmation.

James J. DeCristofaro, Esq.  
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On Thu, Nov 7, 2024 at 3:43 PM Xan Bernay <[XanB@rgrdlaw.com](mailto:XanB@rgrdlaw.com)> wrote:

Can you please confirm receipt of the below?

thanks

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**From:** Xan Bernay  
**Sent:** Wednesday, November 6, 2024 1:56 PM  
**To:** 'James DeCristofaro' <[james@dclfirm.com](mailto:james@dclfirm.com)>  
**Subject:** In re Payment card

James

I write regarding your client, Betz & Baril, again.

We recently ran across a video selling claims filing services that contained many false and/or misleading statements. In the video the company (Northstar Business Funding) mentioned they were working with a law firm.

When Class Counsel sought to have the false information removed, we asked for the identity of the law firm. They reported the firm was Betz & Baril. We had understood that the firm made efforts to halt any affiliate or referral partner advertising many months ago, yet this deceptive video was online as of yesterday.

What steps, specifically, did Betz & Baril take to stop this referral partner from continuing to advertise claim-filing services? Can you provide details?

We will need to understand this. As you know, we have been clear with the firm and the Court that we would likely seek to have Betz & Baril's contracts cancelled; would seek sanctions and would report the firm to the Tennessee bar should additional issues arise.

We need to hear from you by Monday, November 11 as to the circumstances surrounding this issue.

Thanks

Xan

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